



EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 139

Gangtok, Tuesday, September 26, 1978

LEGISLATIVE DEPARTMENT NOTIFICATION

No. 19/LL/78

Dated Gangtok, the 26th September, 1978.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 25th day of September, 1978 is hereby published for general information.

SIKKIM ACT NO. 20 OF 1978 SIKKIM CINEMAS (REGULATION) ACT, 1978 AN A C T

to make provisions for regulating exhibitions by means of Cinematographs in the State of Sikkim.

WHEREAS it is expedient to make provision for regulating exhibitions by means of Cinematographs in the State of Sikkim:

It is hereby enacted in the Twenty-ninth year of the Republic of India by the Legislature of Sikkim as follows:—

**Short title,
extent & commen-
cement.**

1. (1) This Act may be called the Sikkim Cinemas (Regulation) Act, 1978.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(a) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(b) "place" includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "public exhibition" means an exhibition to which persons are admitted on payment.

**Cinematograph
exhibitions to
be licenced**

3. (1) Save as otherwise provided in this Act no person shall give a public exhibition by means of a Cinematograph elsewhere than in a place in respect of which a licence has been granted under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

(2) The State Government may, if it considers it necessary to do so, make an order for regulating exhibitions other than public exhibitions and prescribe rules and conditions for the purpose.

Licensing Authority

4. The authority having power to grant licences (hereinafter referred to as the licensing authority) shall be the District Magistrate within whose jurisdiction the place, where the exhibitions by means of cinematograph are proposed to be given, is situated :

Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of the State, such other authority, as it may specify in the notification, to be the licensing authority for the purpose of this Act.

Restrictions on powers of licensing authority-

5. (1) The licensing authority shall not grant licences under this Act, unless it is satisfied that -

- (a) the rules made under this Act have been substantially complied with, and
- (b) prescribed precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein :

Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause.

- (2) Subject to the provisions of this Act and the rules made thereunder, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.
- (3) The State Government may, from time to time, issue directions to licensees generally or, if in the opinion of the State Government circumstances so justify, to any licensee in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.
- (4) Any person aggrieved by the decision of a licensing authority granting or refusing to grant a licence or by any other order of a licensing authority which is declared by rules made under this Act to be appealable or by the terms and conditions on which or the restrictions subject to which a licence is granted, may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf, and the State Government or the officer as the case may be, may make such order in the case as it or he thinks fit.

Power of the State Government or District Magistrate to suspend exhibition of films in certain cases.

6. (1) The State Government, in respect of the whole State or any part thereof, and the District Magistrate in respect of the local area within his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall not be exhibited in the State, part of the State, or local area, as the case may be.

- (2) When an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the District Magistrate to the State Government, and the State Government may either confirm or annul the order.
- (3) Any order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months, but the State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

Penalties.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, or if any person makes any exhibition of a film contrary to any order under section 6 or to any order or direction under this Act or the rules made thereunder, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Power to revoke or suspend licence

8. (1) If the holder of a licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or of an offence under Section 7 of this Act, or has obtained the licence by misrepresentation of facts, or acts in contravention of any of the provisions of this Act or of the rules made thereunder or of the conditions and restrictions upon or subject to which the licence has been granted, the licensing authority may revoke the licence or suspend it for such period as it may think fit.
- (2) Any person aggrieved by the order of the licensing authority revoking or suspending a licence may, within such time as may be prescribed, appeal to the State Government or such officer as the State Government may specify in this behalf, and the State Government or the officer, as the case may be, may pass such order in the case as it or he thinks fit. The order so passed shall be final.

Power to make rules

9. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -
- (a) the procedure in accordance with which a licence may be obtained and the terms, conditions, and restrictions, if any, subject to which licences may be granted under this Act and the fees payable therefor;
 - (b) regulation of cinematograph exhibitions for securing public safety;
 - (c) the time within which and the conditions subject to which an appeal under sub-section (4) of Section 5 and under sub-section (2) of Section 8 may be made and the procedure for such appeals and the fees payable therefor;
 - (d) regulating the means of entrance and exit at places licensed under this Act and providing for the prevention of disturbances there at;
 - (e) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place licensed under this Act;
 - (f) delegation of the power of hearing appeals under sub-section (4) of Section 5 and sub-section (2) of Section 8 to any officer subordinate to the State Government.
- (3) All rules made under this Act shall come into force with effect from the date of their publication in the Official Gazette, unless a specific date is given in the notification.

Power to exempt

10. The State Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or any rules made thereunder.

Protection of State Government and of officers of Government for acts done in good faith.

11. No suit or proceeding shall lie against the State Government and no suit, prosecution or proceeding shall lie against any officer of the State Government for anything in good faith done, or intended to be done, under this Act or any rules made thereunder.

**Validation of
fees already realised**

12. Any fees or other amounts realised or purported to have been realised in respect of a licence or renewal thereof or in respect of any matter relating to cinemas prior to the coming into force of this Act, shall always be deemed to have been realised validly and under proper legal authority.

Transitional provisions

13. Notwithstanding anything contained in this Act or the rules made thereunder, a licence granted prior to the coming into force of this Act, shall be deemed, for all purposes, to have been granted under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new licence is granted under this Act and the rules made thereunder, be deemed to have been incorporated in such licence;

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.

By order of the Governor.

B. R. PRADHAN,
Secretary to the
Government of Sikkim,
Law & Legislative Department.
F. 16(65)LL/78.

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No 25

Gangtok, Thursday, March 29, 1984

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.

NOTIFICATION

No. 3/LD/1984.

Dated the 23rd March, 1984.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 22nd day of March, 1984, is hereby published for general information:—

THE SIKKIM ENTERTAINMENT TAX (AMENDMENT)
ACT, 1984
(ACT NO. 3 OF 1984)

AN
ACT

to amend the Sikkim Entertainment Tax Act, 1980.

[22.3.1984]

Be it enacted by the Legislature of Sikkim in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Entertainment Tax (Amendment) Act, 1984. *Short title, extent and commencement.*
(2) It extends to the whole of Sikkim.
(3) It shall come into force at once.
2. In the Sikkim Entertainment Tax Act, 1980 (hereinafter referred to as the principal Act), in section 2, in clause (c), after the word "entertainment" and before the word "includes" the words "means exhibition of films and" shall be inserted. *Amendment of section 2.*
3. In the principal Act, after section 3, the following sections shall be inserted, namely:— *Insertion of new sections 3A, 3B, 3C and 3D.*
"3A. (1) Where the entertainment is provided by video exhibition, the Government may realise the entertainment tax in a lump sum not exceeding three thousand rupees per month as the Government may, from time to time, by notification, specify and having regard to the population different rates may be specified for different areas in the State. *Tax for admission to entertainment realisable in a lump sum.*

8 of 1980.

(2) The provisions of this section and section 3D shall also apply to the entertainment provided by video exhibition by an association or club of more than ten individuals.

(3) The entertainment tax under this section shall be payable monthly in advance in such manner as may be specified by the Government, by notification.

Proprietor to furnish security and other information.

3B.

(1) The proprietor of the place where entertainment is provided by video exhibition shall, before the licence is granted, be required to deposit an amount not exceeding three thousand rupees as may be specified by the Government, by notification, by way of security for the payment of the entertainment tax under sub-section (1) of section 3A.

(2) Such proprietor shall, by an application in writing, intimate to the Government or an officer authorised by it under section 9 of this Act the place where entertainment is provided by video exhibition.

Offences under this Act and Act 20 of 1978 to be cognizable.

3C.

Notwithstanding anything contained in any law relating to criminal procedure for the time being in force in Sikkim, every offence under this Act and the Sikkim Cinemas (Regulation) Act, 1978 shall be cognizable, bailable and triable summarily by a Judicial Magistrate of the first class. 20 of 1978.

Burden of proof.

3D.

Where more than ten persons are found gathered at a place where entertainment is being provided by video exhibition, the burden of proving that the persons so gathered are members of the family of, or have been admitted without payment for admission shall lie on the person providing such entertainment.

Amendment of Act 20 of 1978.

4. In the Sikkim Cinemas (Regulation) Act, 1978—

(a) in section 2,—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) “film” means a cinematograph film and includes any tape or cassette of moving pictures or series of moving pictures used in video cassette player or recorder”;

(ii) after clause (d), the following clause shall be inserted, namely:—

“(e) “video exhibition” means the exhibition of film through video cassette recorder or player and includes the exhibition of film through television or apparatus attached to television or the machine for transferring the film to the television screen or any other apparatus which shows a film on screen through any means other than the cinema projector”;

(b) after section 4, the following section shall be inserted, namely:—

“4A.

The procedure for grant of licence, the fees payable therefor, the terms, conditions and restrictions subject to which licence may be granted under this Act for public exhibition by means of a cinematograph including video exhibition shall be such as may be prescribed”.

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department.
F. No. 16(188)/LD/84.

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 9

Gangtok, Saturday, January 25, 1986.

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 2/LD/1986.

Dated the 25th January, 1986.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 21st day of January, 1986, is hereby published for general information:—

THE SIKKIM CINEMAS (REGULATION) AMENDMENT ACT, 1985.

(ACT NO. 2 OF 1986)

AN
ACT

[21.1.1986]

to amend the Sikkim Cinemas (Regulation) Act, 1978 (No. 20 of 1978).

Be it enacted by the Legislature of Sikkim in the Thirty-sixth Year of the Republic of India as follows:—

*Short title, extent
and commencement.*

1. (1) This Act may be called the Sikkim Cinemas (Regulation) Amendment Act, 1985.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force at once.

*Amendment of
section 2.*

2. In the Sikkim Cinemas (Regulation) Act, 1978 (hereinafter referred to as the principal Act), in section 2,—
 - (a) in clause (e), after the words 'a film on' and before the words 'screen' the word 'television' shall be inserted;
 - (b) after clause (e), the following clause shall be inserted, namely:—

“(f) 'Video Library' means a place, by whatever name called, where the business of selling, letting on hire, distribution, exchange or putting into circulation, in any manner whatsoever, of film for purposes of exhibition is carried on.”

*Insertion of new
section 3A.*

4. In the principal Act, after section 3, the following section shall be inserted, namely:—

*"Video Library to
be licensed.*

- 3A. (1) No person shall keep any Video Library except under and in accordance with a licence granted under sub-section (1) above.

- (2) Where a person keeps more than one Video Library, whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each Video Library.
- (3) Every person keeping a Video Library under this Act shall, in respect of each film in his possession, produce when demanded by an officer authorised by Government in this behalf, a letter of consent from the person who is the first owner of the Copyright of the Cinematograph film under section 17 of the Copyright Act, 1957 (Act XIV of 1957) and in case such copyright has been assigned under section 18 of the said Act, from the assignee of such copyright.
- (4) No person who is granted a licence shall sell, let to hire, distribute, exchange, or put into circulation in any manner whatsoever, any film other than a film which has been certified as suitable for public exhibition by the authority constituted under section 3 of the Cinematograph Act, 1952 (Act 37 of 1952) and which, when exhibited, display the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto."

*Amendment of
section 4.*

5. In the principal Act, in section 4, after the words "proposed to be given" and before the words "is situated", the words "or the Video Library is proposed to be opened" shall be inserted.

*Amendment of
section 4A.*

6. In the principal Act, in section 4A, after the words 'Video exhibition' and before the word "shall", the words "and for keeping a Video Library" shall be inserted.

*Amendment of
Act No. 8 of 1980.*

7. In the Sikkim Entertainment Tax Act, 1980, after section 3B, the following section shall be inserted, namely:—

*"Power to enter,
search and seize.
8 of 1980.*

3BB. Any officer authorised by the Government in this behalf, by notification, may—

- (a) enter, if necessary by force, whether by day or night, with such assistance as he considers necessary, any premises, which he has reason to suspect, are being used for purposes connected with the exhibition of films on the television screen through Video Cassette Recorder or keeping a Video Library in contravention of the provisions of the Sikkim Cinemas (Regulation) Act, 1978 and the rules made thereunder;
- (b) search the premises and persons whom he may find therein;
- (c) take into custody and produce before the Magistrate mentioned in section 3C, all such persons as are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable complaint has been received or a reasonable suspicion exists of their having been concerned with the exhibition of film or keeping a Video Library in contravention of the provisions of the Sikkim Cinemas (Regulation) Act, 1978 and rules made thereunder;
- (d) seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such exhibition of film or keeping a Video Library."

20 of 1978.

20 of 1978

M. M. RASAILY,

Secretary to the Govt. of Sikkim,
Law Department.

F. No. 16 (65) LD/78.